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Attorneys for Defendants
MACRONIX INTERNATIONAL CO., LTD.,
and MACRONIX AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SPANSION LLC, a Delaware corporation,

Plaintiff,

v.

MACRONIX INTERNATIONAL CO., LTD, a
Taiwan corporation, and MACRONIX
AMERICA, INC. a California corporation,

Defendants.

Case No. C 06-1733 MJJ (EMC)

**STIPULATED [PROPOSED]
ORDER RE SPANSION'S MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS**

Plaintiff Spansion LLC's motion to compel production of documents came on for hearing on
October 3, 2006, the Honorable Edward M. Chen presiding. Michael Bettinger of Preston Gates
Ellis appeared on behalf of Spansion LLC ("Spansion") and Mark Lyon of Gibson Dunn & Crutcher

1 appeared on behalf of defendants Macronix International Co., Ltd., (“Macronix International”) and
 2 Macronix America, Inc. (“Macronix America”). The Court having read the parties’ moving and
 3 response papers, having heard oral arguments on the matter and having directed the parties to meet
 4 and confer in an attempt to agree upon language consistent with the Court’s remarks at the hearing,
 5 hereby enters the following stipulated order:

6 Macronix International, in response to Spansion's Document Request No. 2, shall produce all
 7 advertising, promotional documents, press releases, and website materials that refer to Spansion
 8 MirrorBit®, dated from January 1, 2005 to the present.

9 Macronix America, in response to Spansion's Document Request No. 2, shall produce all
 10 advertising, promotional documents, press releases, marketing documents and website materials that
 11 refer to Spansion MirrorBit®, dated from January 1, 2005 to the present.

12 Macronix International, in response to Spansion's Document Request No. 6, shall produce all
 13 marketing brochures, data sheets, advertising and website documents for NBit™ flash memory
 14 products, dated from January 1, 2005 to the present.

15 Macronix America, in response to Spansion's Document Request No. 6, shall produce all
 16 promotional, marketing, and advertising documents for NBit™ flash memory products, dated from
 17 January 1, 2005 to the present.

18 Macronix International, in response to Spansion's Document Requests Nos. 9 and 10, shall
 19 produce a compilation sufficient to show the following information about NBit™ flash memory
 20 products sold from January 1, 2005 to the present: identification of customer, number of units sold
 21 and net sales revenue. Macronix International shall also produce a compilation sufficient to show
 22 the quarterly net sales revenue, cost of goods sold and operating expenses for NBit™ flash memory
 23 products sold from January 1, 2005 to the present.

24 Macronix America, in response to Spansion's Document Requests Nos. 9 and 10, shall
 25 produce a compilation sufficient to show the following information about NBit™ flash memory
 26 products sold from January 1, 2005 to the present: identification of customer, number of units sold
 27 and net sales revenue. Macronix America shall also produce a compilation sufficient to show the
 28

1 quarterly net sales revenue, cost of goods sold and operating expenses for NBit™ flash memory
2 products sold from January 1, 2005 to the present.

3 Macronix International, in response to Spansion's Document Request No. 18, shall produce
4 all documents reflecting customer complaints that resulted in a change application into the ECN
5 system for NBit™ flash memory products, for the period January 1, 2005 to the present.

6 Macronix America, in response to Spansion's Document Request No. 15, shall produce all
7 documents reflecting customer complaints that resulted in a change application into the ECN system
8 for NBit™ flash memory products, for the period January 1, 2005 to the present.

9 This Order is entered with respect to discovery only, and nothing in this Order shall be
10 construed as a finding or ruling that any sales, promotion or marketing-related activities of NBit™
11 flash memory products outside of the United States have an impact on U.S. commerce, or that such
12 activities will be admissible at trial

13
14 IT IS SO ORDERED.

15 Dated: October 19, 2006
16 _____

